

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 1-3 and 5-34 are remain in the application, with claims 5, 6, 8-14, 16, 26, 27, and 31-33 withdrawn. Claims 1-4, 7, 17-25, 28-30, and 34 were rejected in the Office Action. Applicants note a discrepancy between the Office Action Summary (in which claim 15 is incorrectly indicated as being withdrawn) and page 2 of the Office Action (in which claim 15 is correctly and implicitly indicated as being pending). Applicants further note that this discrepancy apparently resulted in the Examiner failing to consider claim 15 on the merits.

By way of this Amendment, Applicants have amended independent claims 1 and 20. In addition and for purposes of readability, Applicants have also amended pending dependent claims 2, 24, 25, and 30 and withdrawn dependent claims 10, 14, 26, 27, 31, and 33. Applicants have also canceled claim 4, without prejudice or disclaimer. Accordingly, Applicants respectfully resubmit claims 1-3, 7, 15, 17-25, 28-30, and 34 for reconsideration.

1. Rejection of Claims 1-4, 7, 17-25, 28-30, and 34

The Examiner rejected claims 1-4, 7, 17-25, 28-30, and 34 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,630,796 ("Bellhouse"). As previously discussed, claim 4 has been canceled, without prejudice or disclaimer. Accordingly, this rejection will be addressed, and respectfully traversed, with respect to claims 1-3, 7, 17-25, 28-30, and 34.

a. Claims 1-3, 7, 17-19

Claim 1 has been amended to recite the limitations of original claim 4. Specifically, as amended claim 1 recites a kit of parts (for use in the manufacture of a particle cassette for a needleless syringe device) which includes, among other possible things (italic emphasis added):

a first cassette part having a first rupturable membrane sealed thereto; and
 a second cassette part having a second rupturable membrane sealed thereto;
 said first and second cassette parts being arranged to be attachable
 together *by an interference fit*, so as to create a chamber for the
 confinement of particles between said first and second membranes.

For the following reasons and contrary to the Examiner's assertion regarding original claim 4, Bellhouse fails to teach or suggest the instantly claimed kit of parts.

To support his rejection, the Examiner points to Figures 1 and 8 of Bellhouse and to the related discussion at col. 12, lines 29-43. Although the embodiment shown in Bellhouse

Figure 8 teaches a capsule formed of an annular ring 31 and two rupturable diaphragms 33, 34, there is no teaching or suggestion that the annular ring 31 is formed of two parts which are “attachable together by an interference fit.” *See* Bellhouse, at col. 12, lines 29-41. Moreover, although the cited text alludes to a possible alternative embodiment in which the annular ring 31 may be split into two parts (between which a weak, third diaphragm may be positioned), there is no teaching or suggestion with respect to this alternative embodiment as to how the two parts are to be joined. *See id.* at lines 41-43.

Moreover, the only teachings in Bellhouse with respect to these embodiments involve attaching both diaphragms 33, 34 to the annular ring 31 by way of compression or preferably by way of heat-bonding, *while the particles are housed therein*. As a result, these embodiments teach away from the subject matter of claim 1 because the instant application explicitly discusses the problems associated with heat-bonding both membranes/diaphragms while the particles are housed in the cassette, *i.e.*, the heat used to attach the second membrane/diaphragm may damage the particles in the space between the membranes/diaphragms. *See* p. 2, lines 11-19 (*i.e.*, paragraph [0005] of the published application). Accordingly, whereas the membranes 22, 23 of the instant application may be heat-bonded to the first and second cassette parts 20, 21, respectively, the heat-bonding occurs away from the particles; the particles are then placed in one of the cassette parts and held in the cassette by way of an interference fit between the first and second cassette parts.

Accordingly, as Bellhouse fails to disclose or suggest the interference fit recited in claim 1, it can not be used to reject the claim, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 2, 3, 7, 15, and 17-19 depend from claim 1, each of these dependent claims is also allowable over Bellhouse, without regard to the other patentable limitations rejected therein. Therefore, Applicants respectfully request a withdrawal of the rejection of claims 1-3, 7, 15, and 17-19 under § 102(b).

b. Claims 20-25, 28-30, and 34

Claim 20 has been amended to recite a method of assembling a particle cassette for a needless syringe device. This method includes, among other possible steps (*italic emphasis added*):

- (a) sealing a first rupturable membrane to a first cassette part;
- (b) sealing a second rupturable membrane to a second cassette part;
- (c) supplying particles to said first cassette part; and
- (d) attaching said first and second cassette parts together *using an interference fit*, so as to create a chamber confining said supplied particles between said first and second membranes.

For the following reasons, Bellhouse fails to teach or suggest such a method. As previously discussed in detail with respect to apparatus claim 1, Bellhouse neither teaches nor suggests using an interference fit to join first and second cassette parts. As a result, Bellhouse fails to teach or suggest the above-italicized interference fit limitation of method claim 20.

Accordingly, as Bellhouse fails to disclose or suggest the interference fit limitation of claim 20, it can not be used to reject the claim, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 21-25, 28-30, and 34 depend from claim 20, each of these dependent claims is also allowable over Bellhouse, without regard to the other patentable limitations rejected therein. Therefore, Applicants respectfully request a withdrawal of the rejection of claims 20-25, 28-30, and 34 under § 102(b).

2. Withdrawn Claims

As withdrawn claims 5, 6, 8-14, 16, 26, 27, and 31-33 depend from claim 1, each of these dependent claims is also allowable over Bellhouse, without regard to the other patentable limitations recited therein. In addition, amending claims 1 and 20 to recite an interference fit engagement does not add new matter to the withdrawn claims (which pertain to a snap engagement) because the instant application provides that a momentary elastic strain (*i.e.*, an interference fit) is created when the detent 28 engages the recess 29 before snapping therein. *See* Figure 6 and p. 9, line 15 – p. 10, line 2 (*i.e.*, paragraph [0054] of the published application). Accordingly, when issuing a Notice of Allowance, the Examiner is encouraged to include claims 5, 6, 8-14, 16, 26, 27, and 31-33 among the listing of allowed claims.

CONCLUSION

For the aforementioned reasons, claims 1-3 and 5-34 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.